

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL IKELIONWU,	:	No. 4:CV-05-2629
	:	
Plaintiff	:	(Judge Jones)
	:	
v.	:	(Magistrate Judge Mannion)
	:	
WARDEN JOHN NASH,	:	
	:	
Defendant.	:	

MEMORANDUM AND ORDER

February 1, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On December 19, 2005, Plaintiff Michael Ikelionwu (“Plaintiff” or “Ikelionwu”), an inmate at the Federal Correctional Institute at Allenwood (“FCI-Allenwood”), in White Deer, Pennsylvania, filed this pro se action pursuant to 28 U.S.C. § 1331. This case was referred to United States Magistrate Judge Malachy E. Mannion for preliminary review.

On December 29, 2005, Magistrate Judge Mannion issued a report recommending that the action be transferred to the United States District Court for the District of New Jersey. Objections to the report were due on January 31, 2006

and to date none have been filed.¹

STANDARD OF REVIEW:

When no objections are made to a magistrate's report, the district court is not statutorily required to review a magistrate judge's report before accepting it. See Thomas v. Arn, 474 U.S. 140, 149 (1985). According to the Third Circuit, however, "the better practice is to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). When a district court accepts a magistrate judge's report, the report becomes the judgment of the court. Id.

DISCUSSION:

Our review of this case confirms the Magistrate Judge's determinations and although we have not been presented with any reason to revisit them, we will briefly reiterate the salient aspects of the Magistrate Judge's report and recommendation.

As the Magistrate Judge explains, the basis of Plaintiff's complaint is that officials at the Federal Correctional Institution in Fort Dix, New Jersey ("FCI-Fort Dix") lost his property during his transfer to FCI-Allenwood. (Rep. & Rec. at 1;

¹ We note that on January 9, 2006, the report and recommendation was returned to the Clerk's office as undeliverable. (Rec. Doc. 8). On January 17, 2006, Plaintiff's address was updated on the docket and the report and recommendation was remailed to him. No objections have been received by the Court to date.

Rec. Doc. 1 at 2). After a careful review of the record, we agree with the Magistrate Judge that 28 U.S.C. § 1391(b)(2) creates proper venue in the United States District Court for the District of New Jersey since the alleged incidents complained of occurred in FCI-Fort Dix, New Jersey.² Second, the Magistrate Judge accurately submits that the interests of justice lean in favor of transferring the instant action to the District of New Jersey pursuant to 28 U.S.C. § 1404(a), based at least in part on the fact that this case is in its early stages and that any potential witnesses would be located in the District of New Jersey.

Because we find no error in Magistrate Judge Mannion's report and recommendation and, because no objections have been filed, we will adopt the report as our own. The case sub judice will be transferred to the United States District Court for the District of New Jersey.

² We note that in a civil action where jurisdiction is not based solely on diversity of citizenship, venue is proper only in:

- (1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Magistrate Judge Mannion's Report and Recommendation (doc. 7) is adopted in its entirety.
2. The Clerk shall transfer this case to the United States District Court for the District of New Jersey.

s/ John E. Jones III
John E. Jones III
United States District Judge